

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket № 14989US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Serial No. 10/675,439

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR
NETWORK STORAGE IN A MEDIA
EXCHANGE NETWORK

Examiner: Kunal N. Langhnoja

Group Art Unit: 2427

Confirmation No. 5630

Electronically Filed on 12-MAY-2009

REPLY BRIEF

MS: APPEAL BRIEF-PATENTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 41.41, the Appellant submits this Reply Brief in response to the Examiner's Answer mailed on March 16, 2009. Claims 1-31 are pending in the present Application. The Appellant has responded to the Examiner in the Examiner's Answer, as found in the following Argument section.

As may be verified in his final Office Action (page 2), dated 07/30/08 ("Final Office Action"), claims 1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28, 30, and 31 stand rejected

under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0135860 ("Dureau") in view of US Patent № 7,065,778 ("Lu"). Claims 6, 9, 16, 19, 26, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Lu, further in view of U.S. Patent Application Publication No. 2003/0066084 ("Kaars"). To aid the Board in identifying corresponding arguments, the Appellant has used the same headings in the Argument section of this Reply Brief as the headings found in the Appellant's corresponding Brief on Appeal. The Brief on Appeal has a date of deposit of December 9, 2008.

STATUS OF THE CLAIMS

Claims 1-31 were finally rejected. Pending claims 1-31 are the subject of this appeal.

ARGUMENT

I-A. Independent Claims 1, 11, and 21

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 12-13 of the Examiner's Answer:

Appellant argues Dureau et al and Lu et al, the combination does not disclose or suggest at least limitation of "converting within said first home, said received media file from said first format to a second format compatible for one or both of presentation and/or playback on a television screen within a second home in a second geographic location" as recited in claim 1, the examiner respectfully disagrees. The examiner agrees with appellant with respect to Dureau being silent on limitation "presentation and/or playback on a television screen within a second home in a second geographic location." **Appellant states that presentation/playback language present in claim 1 namely relates to and further clarifies, the relevant functionality of converting. However, converting from first format to second format is done only at the first location with respect to present claim language. The examiner points out that presentation/playback done at a second location is simply playing media files and not explicitly to converting any media files. Furthermore, present claim language (one or both of presentation and/or playback on a television screen within a second home in a second geographic location) does not limit second format strictly to present media file at a second geographic location. The second format could simply aim at presenting media file at the first location. Dureau et al teaches converting of media file from one format to another based on target secondary device and Lu et al teaches transmitting of files from one geographic location to a second geographic location for viewing on display device.**

Therefore, the proposed combination of Dureau et al and Lu et al does render limitation "converting within said first home, said received media file from said first format to a second format compatible for one or both of presentation and/or playback on a television screen within a second home in a second geographic location."

The Appellant disagrees, especially with the above bolded portion. The Appellant is not disputing that "converting from first format to second format" is done at the first location. As explained in the Appeal Brief, the issue here is what kind of conversion is performed by Dureau. Namely, the issue is whether or not Dureau discloses conversion from a first format to a format that is for presentation/playback at a second geographic location. In other words, it is a specific (second) format that is specifically designed for presentation/playback at another geographic location. Clearly, this is not disclosed by Dureau.

The Examiner states the following in the above citation: "present claim language (one or both of presentation and/or playback on a television screen within a second home in a second geographic location) does not limit second format strictly to present media file at a second geographic location." The Appellant disagrees as the present claim language, indeed, necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Obviously, the language "on a television screen within a second home in a second geographic location" is to further define "presentation and/or playback." In other words, the above claim language may be spelled out in a complete form as follows: "one or both of presentation on a television screen within a second home in a second geographic location and/or playback on a television screen within a second home in a second geographic location." In this regard, the present claim language necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Again, Dureau is deficient as the conversion is simply for display at the first location.

The Examiner also states the following in the above citation: "The second format could simply aim at presenting media file at the first location." No, the second format could not simply aim at presenting the media at the first location since Appellant's claim specifically associates the "second format" with the "second geographic location". Dureau is deficient as the second format is for purposes of display at the first geographic location.

The Examiner uses Lu to teach playback of media at a second geographic location. In this regard, Lu does not overcome the above deficiencies of Dureau as they relate to the "converting" aspect of Appellant's claim 1.

The Appellant respectfully submits that independent claims 1, 11, and 21 are allowable.

I-B. Dependent Claims 2, 12, and 22

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 2, 12, and 22 are allowable.

I-C. Dependent Claims 3, 13, and 23

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 13-14 of the Examiner's Answer:

Appellant argues that claim 3 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest transcoding said received media file within said first home from said first format to second format. The examiner respectfully disagrees. As previously discussed, received data by a proxy receiver 12, from a first format to second format within a first location 50 (Abstract; Figs 1, 2, and 4; Paragraphs 0012, 0028, and 0035-37) In general, transcoding means converting received data from one format to another. **Appellant further argues "second format" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language (one or both of presentation and/or playback) does not limit second format strictly to playback at a second geographic location. The second format could simply aim at presenting media file at the first location.**

The Appellant disagrees, especially with the above bolded portion. The Examiner states the following in the above citation: "present claim language (one or both of presentation and/or playback on a television screen within a second home in a second geographic location) does not limit second format strictly to present media file at a second geographic location." The Appellant disagrees as the present claim language, indeed, necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Obviously, the language "on a television screen within a second home in a second geographic location" is to further define "presentation and/or playback." In other words, the above claim language may be spelled out in a complete form as follows: "one or both of presentation on a television screen within a second home in a second geographic location and/or playback on a television screen within a second home in a second geographic location." In this

regard, the present claim language necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Again, Dureau is deficient as the conversion is simply for display at the first location, and Dureau does not disclose or suggest transcoding the media to a format that is for presentation at a second geographic location.

The Appellant respectfully submits that dependent claims 3, 13, and 23 are allowable.

I-D. Dependent Claims 4, 14, and 24

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 14-15 of the Examiner's Answer:

Appellant argues that claim 4 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest directly transferring said converted media file to at least one media peripheral located within said first home. The examiner respectfully disagrees. As previously discussed, the transferring of the transcoded data from the proxy receiver, 12, to a number of receivers, 30A-N, which may be a set-top box (STB), a television (TV), a video cassette recorder (VCR), a personal video recorder (PVR), a personal digital assistant (PDA), a personal computer (PC) a video game console, and/or a mobile/cell phone (Fig. 1,3,&4; paragraphs [0012], [0028], [0033], [0035], [0037], & [0044]). **Appellant further argues "converted media file" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language (one or both of presentation and/or playback) does not limit second format strictly to playback at a second geographic location. The second format could simply aim at presenting media file at the first location.**

The Appellant disagrees, especially with the above bolded portion. The Examiner states the following in the above citation: "present claim language (one or both of presentation and/or playback on a television screen within a second home in a second geographic location) does not limit second format strictly to present media file at a second geographic location." The Appellant disagrees as the present claim language, indeed, necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Obviously, the language "on a television screen within a second home in a second geographic location" is to further define "presentation and/or playback." In other words, the above claim language may be spelled out in a complete form as follows: "one or both of presentation on a television screen within a second home in a second geographic location and/or playback on a television screen within a second home in a second geographic location." In this regard, the present claim language necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Again, Dureau is deficient as the conversion is simply for display at the first location, and Dureau does not disclose or suggest transcoding the media to a format that is for presentation at a second geographic location. Therefore, Dureau also does not disclose or suggest the direct transferring of the converted media file to a media peripheral, where "converted media file" refers to a file converted into a format for display/playback at a second geographic location.

The Appellant respectfully submits that dependent claims 4, 14, and 24 are allowable.

I-E. Dependent Claims 5, 15, and 25

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 15-16 of the Examiner's Answer:

Appellant argues that claim 5 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest distributing said converted media file to one or both of a media peripheral within said first home and/or a media peripheral within said second home via one or both of a wired and/or a wireless connection. As previously discussed, Dureau discloses the use of a proxy receiver, 12, in converting received data from one format to another and distributing converted data to a number of receivers, 30A-N, via a wired/wireless connection (Abstract; Figs. 1&3; paragraphs [0033-0035] & [0037]). **Appellant further argues "converted media file" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language (one or both of a media peripheral within said first home and/or a media peripheral within said second home) does not limit second format strictly to playback at a second geographic location. The second format could simply aim at presenting media file at the first location.**

The Appellant disagrees, especially with the above bolded portion. The Examiner states the following in the above citation: "present claim language (one or both of presentation and/or playback on a television screen within a second home in a second geographic location) does not limit second format strictly to present media file at a second geographic location." The Appellant disagrees as the present claim language, indeed, necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Obviously, the language "on a

television screen within a second home in a second geographic location" is to further define "presentation and/or playback." In other words, the above claim language may be spelled out in a complete form as follows: "one or both of presentation on a television screen within a second home in a second geographic location and/or playback on a television screen within a second home in a second geographic location." In this regard, the present claim language necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Again, Dureau is deficient as the conversion is simply for display at the first location, and Dureau does not disclose or suggest transcoding the media to a format that is for presentation at a second geographic location. Therefore, Dureau also does not disclose or suggest distributing the converted media file to a media peripheral within the first or second locations, where "converted media file" refers to a file converted into a format for display/playback at a second geographic location.

The Appellant respectfully submits that dependent claims 5, 15, and 25 are allowable.

I-F. Dependent Claims 7, 17, and 27

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 16-17 of the Examiner's Answer:

Appellant argues that claim 7 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that

Dureau et al and Lu et al neither discloses nor suggest storing said converted media file in one or both of a network attached storage and/or a storage area network within one or both of said first home and/or said second home. The examiner respectfully disagrees. As previously stated use of a mass storage unit 314 in storing the transcoded content (Figure 5; Paragraphs 0038, 0042 and 0043) **Appellant further argues "converted media file" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language does not limit second format strictly to playback at a second geographic location. The second format could simply aim at storing converted media file at the first location.**

The Appellant disagrees, especially with the above bolded portion. The Examiner states the following in the above citation: "present claim language (one or both of presentation and/or playback on a television screen within a second home in a second geographic location) does not limit second format strictly to present media file at a second geographic location." The Appellant disagrees as the present claim language, indeed, necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Obviously, the language "on a television screen within a second home in a second geographic location" is to further define "presentation and/or playback." In other words, the above claim language may be spelled out in a complete form as follows: "one or both of presentation on a television screen within a second home in a second geographic location and/or playback on a television screen within a second home in a second geographic location." In this regard, the present claim language necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Again, Dureau is deficient as the conversion is simply for display at the first location, and Dureau does not disclose or suggest transcoding the media to a format that is for presentation at a

second geographic location. Therefore, Dureau also does not disclose or suggest storing the converted media file in a network attached storage and/or a storage area network within the first and/or second locations, where "converted media file" refers to a file converted into a format for display/playback at a second geographic location.

The Appellant respectfully submits that dependent claims 7, 17, and 27 are allowable.

I-G. Dependent Claims 8, 18, and 28

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on page 17 of the Examiner's Answer:

Appellant argues that claim 8 is allowable for being dependent upon an allowable claim and reciting additional features. Appellant asserts that Dureau et al and Lu et al neither discloses nor suggest retrieving said stored converted media file; and displaying on said television screen within said first home, said retrieved converted media file. The examiner respectfully disagree. As previously stated the storage of transcoded data in mass storage device 314 prior to transmission, such as format 530A destined for television output (Figure 5; paragraph 0043) **Appellant further argues "converted media file" refers to a format for playback/presentation at a second geographic location. The examiner points out that present claim language does not limit second format strictly to playback at a second geographic location. The second format could simply aim at storing converted media file at the first location.**

The Appellant disagrees, especially with the above bolded portion. The Examiner states the following in the above citation: "present claim language (one or both of presentation and/or playback on a television screen within a second home in a

second geographic location) does not limit second format strictly to present media file at a second geographic location.” The Appellant disagrees as the present claim language, indeed, necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Obviously, the language “on a television screen within a second home in a second geographic location” is to further define “presentation and/or playback.” In other words, the above claim language may be spelled out in a complete form as follows: “one or both of presentation on a television screen within a second home in a second geographic location and/or playback on a television screen within a second home in a second geographic location.” In this regard, the present claim language necessarily limits the type of format conversion in that it is for presentation/display at a second geographic location. Again, Dureau is deficient as the conversion is simply for display at the first location, and Dureau does not disclose or suggest transcoding the media to a format that is for presentation at a second geographic location. Therefore, Dureau also does not disclose or suggest retrieving the stored converted media file, where “converted media file” refers to a file converted into a format for display/playback at a second geographic location.

The Appellant respectfully submits that dependent claims 8, 18, and 28 are allowable.

I-H. Dependent Claims 10, 20, and 30

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 10, 20, and 30 are allowable.

I-I. Dependent Claim 31

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claim 31 is allowable.

II-A. Dependent Claims 6, 16, and 26

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 6, 16, and 26 are allowable.

II-B. Dependent Claims 9, 19, and 29

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that dependent claims 9, 19, and 29 are allowable.

CONCLUSION

The Appellant submits that the pending claims are allowable in all respects. Reversal of the Examiner's rejections for all the pending claims and issuance of a patent on the Application are therefore requested from the Board.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: 12-MAY-2009

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